

## CHAPTER 22 POLICE AND FIRE DEPARTMENTS

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**22-03. Police Force.** 1. The police force of every city of the first class, however incorporated, shall consist of one chief of police, one inspector, one captain of detectives, and such number of captains of police, lieutenants, detectives, sergeants, roundsmen, patrolmen and other members as the common council shall from time to time by ordinance determine and prescribe.

2. In addition to the positions enumerated in sub. 1, the police force of the city of Milwaukee shall consist of and include the following positions, the number of which shall be determined by the salaries and positions ordinance:

- a. Administrative assistants.
- b. Deputy inspectors of police
- c. Garage supervisor, assistant.
- d. Garage supervisor, police.
- e. Handwriting technician.
- f. Jail matron.
- g. Police alarm, assistant chief operator.
- h. Police alarm, chief operator of.
- i. Police communications, assistant superintendent of.
- j. Police communications, superintendent of.
- k. Police identification, superintendent.
- l. Police identification, supervisor.
- m. Police identification, technicians.
- n. Police property and stores, custodian of.

o. Police property and stores, assistant custodian of.

p. Policewomen.

q. Radio mechanics.

r. Secretary of police department.

s. Traffic accident investigator.

3. All other positions in the police department shall constitute and be considered as civilian employe division of the police department without police powers.

4. All members or employes of the police department who are not members or employes of the police force shall be known as civilian employes or members of the police department.

5. All members or employes of the police force of the police department shall be known as police officers. (*S. 1, Ch. Ord. 150, Apr. 25, 1949.*)

**22-04. Witness Fees.** Any and all witness fees paid to any member or employe of the police department of the city of Milwaukee for attendance or testifying in any court where the information or knowledge testified to or sought to be elicited has been acquired by said member or employe of the police department in the performance of his official duty or employment, shall be immediately paid over by said member or employe to the chief of police who in turn shall pay over such witness fees to the city treasurer. All such witness fees received by the city treasurer shall be credited to the general city fund. (*S. 3, Ch. Ord. 49, Nov. 16, 1931.*)

**22-05. Police Detail.** The mayor or common council may direct the chief of police to detail any of the policemen to perform such official duties as he or they deem proper, and no extra compensation shall be allowed therefor. (*S. 3, Subch. 15, Ch. 184, L. 1874.*)

**22-06. Rewards.** Any and all property, money, gifts or things of value, other than salaries, received by the police department of the city of Milwaukee, or by any member or employe thereof, as reward or compensation in the performance of official duties or special

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services in said department, shall become the property of the city of Milwaukee. All money so received or realized from any property so received shall be paid over by the chief of police to the city treasurer and all money so received by the city treasurer shall be credited to the general city fund. (S. 3, Ch. Ord. 52, Jan. 25, 1932.)

**22-07. Police Powers of City Officers.** The mayor, the harbor master and bridge tenders of the city, and the commissioner of health and his assistants, the meat inspector, and the special assistants appointed by said commissioner of health for quarantine service while engaged in such service, shall severally and respectively have and exercise, within said city, all the powers of policemen of said city, and the powers granted to the above mentioned shall be without any compensation or claim to compensation therefor. (Am. Ch. Ord. 543, File #84-948, Nov. 13, 1984.)

**22-08. Police; Powers and Duties.** The members of the police force shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and the good order and health of the city; they shall possess the powers of constables at common law; and all powers given to constables by the law of this state. The chief and each policeman shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables; shall arrest with or without process and with reasonable diligence take before a magistrate or other proper court every person found in a state of intoxication or engaged in any disturbance of the peace or violating any law of the state or ordinance of such city, and may within the county of Milwaukee execute all process issued by the courts of said county in criminal cases, but shall not serve civil process except when the city is a party. (S. 26, Ch. Ord. 323, Oct. 21, 1966.)

**22-09. Authority Within the County. 1. EXTENDED.** The authority of the police department of the city of Milwaukee, is hereby extended so as to embrace the county of Milwaukee, and policemen of said city shall have the like authority to make arrests and serve process within the county of Milwaukee as are now possessed by them within the city of Milwaukee.

**2. BY MILWAUKEE COUNTY.** In order to facilitate the transactions of business and performance of duty by policemen in the county of Milwaukee, beyond the limits of the city of Milwaukee, the county board of supervisors of the county of Milwaukee may supply the police department of the city of Milwaukee with sufficient authority and conveyance to travel through the county of Milwaukee. (S. 1, 2, Ch. 204, L. 1875.)

**3. SERVICE AND RETURN OF PROCESS.** The officers and members of the police force shall have authority to serve and return process returnable in any court in the county of Milwaukee, in cases in which the city of Milwaukee or the state of Wisconsin is plaintiff or prosecutor, with the same force and effect as the same may be done by the sheriff of said county or his deputies. (S. 5, Ch. 308, L. 1882.)

**4. OFFICERS OF THE PEACE; PENALTY FOR DISOBEYING.** The mayor or acting mayor, the sheriff of Milwaukee county, and each justice of the peace, policeman, constable and watchman, shall be officers of the peace and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purposes they may command the assistance of all bystanders, and, if need be, of all citizens and military companies; and if any person, bystander, military officer, or private, shall refuse to aid in maintaining the peace when so required each such person shall forfeit and pay a fine of fifty dollars and in cases where the civil power may be required to suppress riotous and disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings. (S. 6, Subch. 15, Ch. 184, L. 1874, as affected by 1983 Wisconsin Act 210.)

**22-10. Charges Against Subordinates. 1.** Charges may be filed against a subordinate by the chief, by a member of the fire and police commission, by the board as a body, or by an elector of the city. Such charges shall be in writing and shall be filed by the president of the board. Pending disposition of such charges, the board or chief may suspend such subordinate.

2. It is the intention of the common council that the procedures, processes, and trial under this section shall be conducted in the same manner as provided in s. 62.50, Wis. Stats. (1983). (*Ch. Ord. 341, File #68-453-b, June 25, 1968; formerly s. 21-14-2.*)

**22-13. Fire Chief; Deputies.** 1. Effective May 1, 1928, the position of first assistant engineer of the fire department of the city of Milwaukee be and hereby is abolished.

2. Effective May 1, 1928, there are hereby created two positions in the fire department of said city, each to be known as deputy chief engineer.

3. All appointments of deputy chief engineers, whether original or to fill a vacancy, shall be made by the chief engineer of the fire department, with the approval of the board of fire and police commissioners.

4. They shall be subject to suspension or removal in accordance with the laws and ordinances which may be applicable to the case of other members of the fire department at the time of such suspension or removal.

5. During the absence or disability of the chief engineer, or during a vacancy in that office, the deputy chief engineers shall in the order of their rank, have full power and authority and it shall be their duty to do all the acts required by law to be done by the chief engineer or imposed upon him by law or the ordinances of the city, and shall be subject to the same liabilities and penalties. This provision shall have reference to those duties which are required by law to be done by the chief engineer including ministerial acts only and the chief engineer shall have authority to assign any of the other duties of the department as he sees fit.

6. The rank of said deputy chief engineers shall be determined by the order in which their names are submitted by the chief engineer to the board of fire and police commissioners for approval. (*S. 1 thru 6, Ch. Ord. 26, Jan. 30, 1928.*)

**22-14. Fire Department Organization.** The common council shall have power to purchase fire engines and other fire apparatus, and to organize a fire department, composed of a chief

engineer and such other officers and men as shall be required and employed in the management and conduct of such fire engines and apparatus, and to establish rules and regulations for such department. (*S. 23, Ch. Ord. 326, Nov. 29, 1966.*)

**22-15. Fire Department Personnel.** In addition to the officers and men now authorized to be employed in the fire department of the city of Milwaukee, including the assistant superintendent of fire-alarm telegraph, the superintendent of machinery and apparatus and the secretary now appointed and employed under ordinances of said city; and which several officers last named are hereby constituted and confirmed as officers of the department; there may also be appointed hereafter by the chief, with the approval of the board of fire and police commissioners, as provided by law, a third assistant engineer, a chief operator of fire-alarm telegraph and two assistant operators of fire-alarm telegraph. (*S. 1, Ch. 336, L. 1887.*)

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